

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GEORGE R. STUDNICKA,

Civil No. 05-723 (JRT/FLN)

Plaintiff,

v.

ORDER

A. DANIEL PINHEIRO,
YOLANDA I. GARCES, and
MAYO CLINIC FACILITY,

Defendants.

George R. Studnicka, #12658-004, Federal Correctional Institution, P.O. Box 0699, 100 Prison Road, Estill, SC 29918-0699, plaintiff *pro se*.

Bartholomew B. Torvik, Heather M. McCann, Paul B. Klaas, and William R. Stoeri, **DORSEY & WHITNEY LLP**, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402-1498, for defendants.

Plaintiff George R. Studnicka, a *pro se* federal prisoner, has filed this lawsuit against Mayo Clinic and two of its physicians, A. Daniel Pinheiro and Yolanda I. Garces. Studnicka alleges, *inter alia*, that Pinheiro performed an invasive surgical operation on him without his consent and that Garces started radiation therapy on him without his consent.

On June 15, 2006, the Court ordered, “any Defendant who has any medical record pertaining to the Plaintiff shall copy the record and deliver it to the Plaintiff at his current Bureau of Prisons address.” (Docket No. 80.) On June 13, 2006, defendants mailed a copy of plaintiff’s medical record to plaintiff at the Federal Correctional Institution in

Butner, North Carolina. Defendants informed plaintiff that the records sent did not include copies of medical films, but that the films would be sent under separate cover as soon as copying was completed. On July 18, 2006, defendants mailed the films to plaintiff at the Federal Correctional Institution in Butner, North Carolina. The films were returned to defendants because plaintiff had since been transferred to the Federal Correctional Institution in Estill, South Carolina. Defendants spoke to prison authorities at the Federal Correctional Institution in Estill, South Carolina. Prison authorities informed defendants that plaintiff would not be allowed to have possession of the films in his cell and instructed defendants to mail the films to the institution's x-ray technician, Cindy Tuten. Defendants mailed the films to Tuten on July 31, 2006.

Plaintiff has informed the Court that prison authorities have not allowed plaintiff to view the films, and that he has exhausted all administrative remedies available to him. Plaintiff needs these films to proceed in his litigation. The Warden of the Federal Correctional Institution in Estill, South Carolina must promptly provide plaintiff access to these films. This access should include the opportunity to view the films and the option to send the films to an outside party.

Based on the foregoing, all the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that within fourteen (14) days of the date of this Order, M.L. Rivera, the Warden of the Federal Correctional Institution in Estill, South Carolina, shall provide plaintiff George Studnicka access to his medical films, which should include an opportunity for plaintiff to view the films and the option to send the films to an outside party.

The Clerk of Court is **DIRECTED** to mail a copy of this Order to M. L. Rivera, Warden, Federal Correctional Institution, P.O. Box 699, 100 Prison Road, Estill, SC 29918-0699.

DATED: June 1, 2007
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge